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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/017,093	12/13/2001	Markus Klausner	11403/12	6511

26646 7590 06/15/2004

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EXAMINER	
NGUYEN, THU V	
ART UNIT	**PAPER NUMBER**
3661	

DATE MAILED: 06/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/017,093	KLAUSNER ET AL.	
	Examiner	Art Unit	
	Thu Nguyen	3661	

-- The MAILING DATE of this c mmunicati n appears n the cover sheet with the c rresp ndence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *20 February 2004*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-26 and 29-39* is/are pending in the application.

4a) Of the above claim(s) *1-19* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *20-26 and 29-39* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *20 February 2004* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Pri rity under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

The amendment filed on February 20, 2004 has been entered. By this amendment, claims 1-19 have been withdrawn from consideration, claims 27-28 have been canceled, claims 38-39 have been added and claims 1-39 are now pending in the application.

Claim Objections

1. Claim 32 is objected to because of the following informalities:

Claim 32 improperly depends on the cancelled claim 27.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 20-26, 29-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bosch (US 6,493,629) in view of Hanson et al (US 2002/0156558) and further in view of Lang et al (US 6,295,492).

As per claim 20-21, 26, 33 Bosch teaches a system for monitoring at least one apparatus comprising: at least one sensor (col.2, lines 40-42; col.3, line 67; col.4, lines 1-2); a gateway

node 104 (fig.1) situated in the vehicle; and a processor 126, 130 (fig.1) for communicating with the gateway node 104 (fig.1) using wireless communication protocol (col.2, lines 52-62). Bosch does not explicitly teach a sensor for transmitting error code that concerns diagnostic information, and connecting a sensor to the controller via vehicle bus. However, Bosch teaches connecting the gateway node 104 (fig.1) to a vehicle bus 106 (fig.1). Moreover, Hanson teaches connecting sensors that send diagnostic information to the controller 130 (fig.2) via system bus 125 (fig.2) (para 0021), and Lang teaches that sensors can send codes indicating the status of components of a vehicle to a controller (col.5, lines 14-16, lines 38-40). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to replace the sensors 120 (fig.2) of Hanson with the sensors of Lang and to connect the sensors to the system bus of Bosch in order to provide diagnostic information of the vehicle subsystems to the wireless device 130 (fig.2).

As per claim 22-25, 37, Hanson teaches using CAN bus protocol (para 0021). Further as to claim 23, Bosch teaches using Bluetooth communication protocol (col.2, lines 53-57). Moreover, interrogating an apparatus for diagnostic data when the user initiates a request to execute a diagnostic procedure, diagnosing a subsystem such as brake system, engine system would have been known.

As per claim 29-31, 34-36, comparing the error code to a look up table to determines status code to be communicated to a user, and outputting the status code by visual display or audible signal would have been well known.

As per claim 32, since Bosch teaches a hand-held cellular phone or a laptop computer (col.2, lines 65-67), Bosch obviously teaches implementing a controller to the hand-held computer.

As per claim 38-39, since Bosch teaches a wireless communication including Bluetooth communication (col.2, line 56) Bosch obviously teaches the first bluetooth protocol implemented at node 126 (fig.1) and the second Bluetooth protocol implemented at mobile device 130 (fig.1). Further, as to claim 39, refer to claim 22 above.

Response to Arguments

4. Applicant's arguments filed February 20, 2004 have been fully considered but they are not persuasive.

In response to applicant's argument on page 10, last paragraph, Hanson teaches connecting sensors to a CAN bus 125 (fig.1). Hanson's teaching proves that connecting sensors to a system bus would have been known as asserted by the examiner.

In response to applicant argument on page 11, third paragraph; page 12, first paragraph, on claim 20, Hanson teaches providing diagnostic information (para 0018; 0019; 0021), and

Lang teaches sensors transmitting status code (col.5, lines 14-16, lines 38-40). Further, since Bosch teaches Bluetooth wireless communication between the node 126 (fig.1) and the mobile device 130 (fig.1) (col.2, lines 56-57), and since it would have been known that for **B**luetooth communication to be performed, the node 126 and device 130 (fig.1) must each have corresponsing Bluetooth protocols so that the two device can communicate with each other. Although not use for the rejection, the examiner cited herein the teaching of Thayer et al (US 2002/0110146), in which Thayer teaches Bluetooth communication and first and second wireless protocols (para 0022; 0065-0067).

In response to applicant's argument on page 15, first paragraph, Bosch teaches a communication system that communicates information gathered from other devices such as crash sensor data, etc. to a mobile device 130 (fig.1) utilizing Bluetooth communication (col.2, lines 34-67). Bosch also teaches a communication data bus 106 (fig.1). On the other hand, Hanson teaches connecting sensors to a controller 130 (fig.2) via communication data bus 125 (fig.2), and Lang teaches that the data sent from the sensor is in status code format (col.5, lines 11-16), a person of ordinary skill in the art could be able to connect the sensors of Lang to the controller 104 (fig.1) of Bosch via bus 106 as suggested by Hanson to report working status of a vehicle system to a remote device.

Cited Prior Arts

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Thayer et al (US 2002/0110146) teaches Bluetooth communication and the first and second wireless communication protocols being install to the device 30 (fig.1) and 40 (fig.1) (para 0026; 0030; 0050; 0065-0067).

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any response to this final action should be mailed to:

Box AF

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 305-7687, (for formal communications; please mark "EXPEDITED PROCEDURE")

Or:

(703) 305-7687 (for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park V, 2451 Crystal Drive, Arlington. VA., Seventh Floor (Receptionist).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thu Nguyen whose telephone number is (703) 306-9130. The examiner can normally be reached on Monday-Thursday from 8:00 am to 6:00 pm ET.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Black, can be reached on (703) 305-8233. The fax phone number for this Group is (703) 305-7687.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-1113.

Nguyen Luc

THU V. NGUYEN
PRIMARY EXAMINER

May 21, 2004